

Accessing the Grandfathering Portal

Delaware Paid Leave Website

To apply for Grandfathering, locate and select the “Apply Today” button on the Delaware Paid Leave [website](#).

Log in or Register for a “my.delaware.gov” account.

If registering for a “my.delaware.gov” account, the “account purpose” should be either “for my business” if acting for your employer or “third party admin” (if acting in that role).

Once logged into your “my.delaware.gov account,” if the “Identity Proofing” tile is visible on your dashboard, you will need to verify your identity prior to accessing the grandfathering portal. You only need to identity proof once.

To verify your identity through, you will need:

**an email address*

**your social security number*

**a government ID (driver’s license or passport), and*

**a way to upload photos, either via a mobile phone or a computer*

Once your identity proofing is completed (or if you previously verified your identity), your dashboard will display a “DOL-PFML Grandfathering” tile. Click this tile to launch the Grandfathering Application.

Enter your company’s Federal Employer Identification Number.

Enter your company’s Total Delaware withholding tax paid for TY 2022, found on your Delaware Division of Revenue Annual Reconciliation Form WTH-REC, Line 3.

You are now in the Grandfathering Portal and can begin your Grandfathering Application.

Sample Grandfathering Application

Employer Information

Employer Name

Employer Address

Employer City

Employer State

Employer Zip

Contact Person Name

Contact Person Email

Contact Person Phone

Contact Person Cell Phone

Number of Employees

In this section, enter your employer demographic and contact information.

Parental Leave Duration

For the first five years, does the Employer want to reduce the duration of its Parental Leave benefit from 12 weeks of coverage to 6 or more weeks of coverage?

How many weeks of Parental Leave coverage will you provide?

This section only applies to employers with 10-24 employees who wish to reduce the number of weeks of Parental Leave their employees may take. Employer can reduce the maximum Parental Leave duration to anywhere between 6 and 11 weeks for the first 5 years of the program.

Grandfathering

Does the Employer want their existing benefit to be grandfathered into the PFML Program?

Is the existing benefit available to all employees in writing?

Does the employer's existing benefit cost the employees less than what is required under the Public Plan?

Has this benefit been in place on or before May 10, 2022?

If your existing paid leave benefit does not satisfy these four initial threshold requirements, your grandfathering application will be denied.

Grandfathering Lines of Coverage

Which lines of coverage do you intend to Grandfather?

- All Lines of Coverage
- Family Caregiver/Qualified Exigency
- Parental Leave
- Medical Leave

After meeting the threshold requirements, select the type(s) of paid leave benefits you wish to Grandfather. Additional questions will be displayed depending on your selection.

Family Caregiver/Qualified Exigency Line of Coverage

- Does the Employer's benefit pay the employee 72% or more of the employee's average weekly wages?
 - Is the maximum allowable weekly payment under the benefit at least \$810?
 - Does the Employer's benefit allow at least 27 workdays off for Family Caregiver/Qualified Exigency Leave every 24 months?
 - Is the employee's share of the cost for this benefit currently less than .04% of the employee's wages?
 - Is the employee eligible for benefits after a waiting period of no more than 12 months?
 - Is the employee eligible for benefits after working at least 1,250 hours during the previous 12 months?
 - Does the benefit provide for coordination of benefits?
- Attach a copy of your benefit documents.

A copy of your written benefit must be uploaded with your application. You will only see questions related to those Lines of Coverage you selected to Grandfather.

Parental Leave Line of Coverage

- Does the Employer's benefit plan pay the employee 72% or more of the employee's average weekly wages?
 - Is the maximum allowable weekly payment under the benefit at least \$810?
 - Does your benefit allow at least 54 workdays off for Parental Leave every 12 months?
 - If your parental leave duration was reduced, does your benefit offer 6 or more weeks for Parental Leave every 12 months?
 - Does the employer's benefit grant paid Parental Leave regardless of an employee's sex, gender, or marital status?
 - Is the employee's share of the cost for this benefit less than .16% of the employee's wages?
 - Is the employee eligible for benefits after a waiting period of no more than for 12 months?
 - Is the employee eligible for benefits after working 1,250 hours during the previous 12 months?
 - Does the benefit provide for coordination of benefits?
- Attach a copy of your benefit documents.

Medical Leave Line of Coverage

- Does the Employer's benefit pay the employee 72% or more of the employee's average weekly wages?
 - Is the maximum allowable weekly payment under the benefit at least \$810?
 - Does the Employer's benefit allow 27 workdays off for Medical Leave every 24 months?
 - Is the employee's share of the cost for this benefit less than .2% of the employee's wages?
 - Is the employee eligible for benefits after waiting period of no more than 12 months?
 - Is the employee eligible for benefits after working at least 1,250 hours during the previous 12 months?
 - Does the benefit provide for coordination of benefits?
- Attach a copy of your benefit documents.